

U.S. Department of Justice

*United States Attorney
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JD

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December 1, 2011

By ECF

The Honorable Jack B. Weinstein
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Frank Dimattina
Criminal Docket No. 11-705 (JBW)

Dear Judge Weinstein:

On October 25, 2011 the defendant was arraigned on the indictment in the above-captioned matter before the Honorable Ramon R. Reyes, United States Magistrate Judge for the Eastern District of New York. The defense has since filed various motions (See, Dkt. Entries 13, 16, 26 and 27). At an initial hearing on the matter on October 27, 2011, the Court stayed speedy trial time from "10/27/11 - when all motions are decided." In an order dated November 2, 2011, the Court ruled that "Speedy trial is stayed pending the decision on these motions in the interest of public policy."

Pursuant to 18 U.S.C. § 3161(h), the Court shall exclude in computing the time within which the trial of any such offense must commence "any period of delay resulting from other proceedings concerning the defendant, including but not limited to- [] (D) delay resulting from any pretrial motion, from the filing of the motion through the conclusion of the hearing on, or other prompt disposition of, such motion."

Accordingly, pursuant to 18 U.S.C. § 3161 et seq., the government respectfully requests that the Court exclude for Speedy Trial purposes the time between yesterday's status conference, during which pending motions were addressed and calendared for hearings on December 20, 2011, and the time of any final disposition on the motions.

Respectfully submitted,

SO ORDERED:

LORETTA E. LYNCH
United States Attorney

By: /s/
Jack Dennehy
Assistant U.S. Attorney
(718) 254-6133

cc: John Meringolo, Esq. (by ECF)